



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

DJC
Docket No. NR3608-14
9 Oct 14

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 October 2014. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by NPC memo dated 25 July 2014.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. You requested in your petition to the Board that you be removed from the Survivor Benefit Plan (SBP) program. Based on your application/record, you retired from the U.S. Naval Reserve on 27 April 2011. You were divorced and were automatically enrolled in spouse coverage under the SBP program due to an invalid former spouse category SBP election (requested reduced coverage without spouse concurrence). You and [REDACTED] were divorced on [REDACTED] and records show you agreed that, notwithstanding the divorce, your former wife would remain the sole beneficiary of SBP. Despite the fact that neither you or your wife made an election for former spouse coverage, the change you requested would place you in violation of the terms of your divorce decree and adversely impact on the future rights and benefits of your former spouse. These factors, and the fact that your former spouse's SBP waiver was not notarized, formed the basis for the Board's decision. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new evidence within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in this case. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. J. O'Neill", written in dark ink.

ROBERT J. O'NEILL
Executive Director